

## AMENDMENT

In the claims:

Please amend claim 1 and add new claims 5 and 6.

1. (currently amended) An isolated nucleic acid molecule comprising ~~at least 24 contiguous bases~~  
of the nucleotide sequence ~~first disclosed in the NHP sequence~~ described in SEQ ID NO: 1.

2. (original) An isolated nucleic acid molecule comprising a nucleotide sequence that:

- (a) encodes the amino acid sequence shown in SEQ ID NO: 2; and
- (b) hybridizes under stringent conditions to the nucleotide sequence of SEQ ID NO: 1 or the complement thereof.

3. (original) An isolated nucleic acid molecule comprising a nucleotide sequence that encodes the amino acid sequence shown in SEQ ID NO: 2.

4 (original) An isolated nucleic acid molecule comprising a nucleotide sequence encoding the amino acid sequence shown in SEQ ID NO:4.

5. (new) A recombinant expression vector comprising a nucleic acid molecule of Claim 3.

## **RESPONSE**

### **I. Restriction and Election Requirement**

The Examiner has determined that the original claims are directed to two separate and distinct inventions under 35 U.S.C. § 121, as follows:

- Group I: Claims 1-3, drawn to isolated DNA molecules encoding a human kinase having SEQ ID NO:2, classified in class 536, subclass 23.2.
- Group II: Claim 4, drawn to isolated DNA molecules encoding a human kinase having SEQ ID NO:4, classified in class 536, subclass 23.2.

### **II. Response to Restriction Requirement**

In response to the Restriction Requirement mailed August 7, 2003 (Paper No. 7), Applicants respectfully request reconsideration of this requirement based on the fact that the amino acid sequences described in SEQ ID NO: 2 and SEQ ID NO: 4 are all encoded by a common genetic locus and are therefore not independent. As evidence of the relationship between SEQ ID NO:2 and SEQ ID NO:4, Applicants invite the Examiner's attention to Exhibit A which contains the results of an amino acid comparison between SEQ ID NO:2 and SEQ ID NO:4 of the present invention. It is clear from this analysis that the amino acid sequence described in SEQ ID NO: 2 is identical over almost the entire sequence described in SEQ ID NO:4. Therefore, SEQ ID NO: 2 and SEQ ID NO: 4 represent splice variants of the same gene.

In the alternative, Applicants provisionally elect with traverse to prosecute the claims of Group I (Claims 1-3, drawn to isolated DNA molecules encoding a human kinase having SEQ ID NO:2, classified in class 536, subclass 23.2). Should this alternative occur then accordingly, claim 4 will be canceled herein without prejudice and without disclaimer as being drawn to non-elected inventions. Applicants further elect, pursuant to 35 U.S.C. § 121, the species of SEQ ID NO: 2 for initial examination on the merits.